



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

July 4, 2016

Office of the Treasurer

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Abdel Fattah el-Sisi  
President of the Arab Republic of Egypt  
Abedine Palace  
Cairo, Egypt

Dear President:

**Re: Harassment of lawyer Negad El-Borai**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the harassment of lawyer **Negad El-Borai**. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society received reports of the continued judicial harassment of Mr. **Negad El-Borai**, human rights lawyer and director of the “United Group – Attorneys-at-law, Legal Advisors” (United Group).

According to the information received, Negad El-Borai was summoned to an investigation on 17<sup>th</sup> May 2016 in relation to a complaint filed by the High Judicial Council. The complaint relates to Negad El-Borai’s work on an anti-torture bill in March 2015, and his advocacy before the Egyptian authorities for its adoption in April 2015. The complaint also relates to a workshop that Negad El-Borai organized in order to discuss the proposed bill.

The investigation of 17<sup>th</sup> May 2016 represented the fifth such investigation in this case. Following the fourth investigation on 3 March 2016, he was arrested, released and charged with “establishing an unlicensed entity for the intent of inciting resistance to the authorities”, “implementing human rights activities without a license”, “deliberately spreading false information with the purpose of harming public order or public interest” and “receiving funds from the National Center for State Courts (NCSC)”.

On 17<sup>th</sup> May 2016, the Observatory for the Protection of Human Rights Defenders (the “Observatory”) published a letter condemning the ongoing judicial harassment of Negad El-Borai. Furthermore, the Observatory expressed its concern that human rights defenders and organizations fighting against torture in

Egypt are being increasingly targeted by the authorities. The letter also noted that the criminalization of anti-torture work comes in the context of a dramatic deterioration of the human rights situation in Egypt, which has been marked by a crackdown on civil society and an increase in reported cases of torture, deaths in detention and disappearances.

The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Egypt to:

- a. put an end to all acts of harassment against Negad El-Borai as well as other lawyers and human rights defenders in Egypt;
- b. Immediately and unconditionally withdraw all charges against Negad El-Borai;

- c. guarantee all the procedural rights that should be accorded to Negad El-Borai and other human rights lawyers and defenders in Egypt;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas  
Treasurer

*\*The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

*The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

Moataz Mounir Moharram Zahran  
Ambassador of the Arab Republic of Egypt  
454 Laurier Avenue East  
Ottawa, ON K1N 6R3

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

President, Egyptian Bar Association

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales